

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J. Lyell GINTER et al.

Confirmation No.: 8754

Serial No.: 10/669,120

Group Art Unit: 3746

Filed: September 22, 2003

Examiner: Charles Grant Freay

For: HIGH EFFICIENCY LOW POLLUTION HYBRID BRAYTON CYCLE COMBUSTOR

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING  
REJECTION (37 CFR §1.321(b))

Sir:

Interest of Person Making This Disclaimer

I, Robert C. Faber, of Ostrolenk Faber LLP, with offices at 1180 Avenue of the Americas, New York, New York 10036-8403 represent that I am a representative authorized to sign on behalf of the owners/assignee identified below owning all of the interest in this application.

Credit card payment for the required filing fee of \$70.00 (small entity) is being submitted via EFS-WEB.

Identity and Title of Disclaimant

The owner(s)/assignee(s), having 100 percent interest in the instant application, is:

Name of assignee VAST Power Portfolio, LLC ("DISCLAIMANT")

Address of assignee 1728 South 17<sup>th</sup> Street  
Elkhart, Indiana 46517

Title of disclaimant authorized to sign on behalf of owners/assignee:  
Attorney of Record

Recordal of Assignment in PTO

The assignment was recorded on August 8, 2003, at Reel 014357, Frame 0732.

Disclaimer


DISCLAIMANT hereby disclaims the terminal part of any patent granted on the above-identified instant application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 5,743,080 and 5,617,719, as the term of said prior patents is defined in 35 U.S.C. §154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer; and

agrees that any patent so granted on the above-identified present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 5,743,080 and 5,617,719, this agreement to run with any patent granted on the above-identified present application and to be binding upon the grantee, its successors or assigns; and

does not disclaim any terminal part of any patent granted on said above-identified present application that would extend to the full statutory term of U.S. Patent Nos. 5,743,080 and 5,617,719 in the event that said prior patents later expire for failure to pay maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: November 20, 2009

  
Robert C. Faber